

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

FREIGHTCAR AMERICA, INC.,  
a Delaware Corporation,

Plaintiff,

V.

DAVIS-FROST, INC.,  
a Minnesota Corporation,

Defendant.

Case No. 6:21-cv-00027-NKM

**DEFENDANT DAVIS-FROST, INC.’S**  
**MOTION FOR SUMMARY JUDGMENT**

Defendant Davis-Frost, Inc., through the undersigned counsel, moves the Court for an order for summary judgment in accordance with Rule 56 of the Federal Rules of Civil Procedure. This motion is based upon all the files, records and proceedings herein, including Davis-Frost, Inc.'s Memorandum of Law in Support of its Motion for Summary Judgment, the Declaration of Charles Maier, and the accompanying exhibits. For the reasons set forth more fully in its Memorandum of Law, Davis-Frost respectfully requests that this Court grant the pending motion and enter judgment in Davis-Frost's favor.



**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that via that system the same was served upon all counsel of record.

Dated: April 8, 2022

/s/ Charles K. Maier  
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